

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5570 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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BHAVANISANG SARDARSANG

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR HARIN P RAVAL for Petitioner

MR N.N. PANDYA for Respondents No.1 to 4

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 03/07/96

ORAL JUDGMENT

Heard learned counsel for the parties. The petitioner has made challenge by this Special Civil Application to the order of the Gujarat Revenue Tribunal at Ahmedabad, dated 26th February 1982. The dispute relates for transaction of sale made by the petitioner of his agricultural holdings comprising Survey Nos. 933,

408, 894 and 891 after 24th January 1971. The petitioner approached to the authority under the Gujarat Agricultural Lands Ceiling Act, by an application u/s.8(2) of the said Act. With say that transaction of sale will not make any effect as he purchased the land more than what he should, though in the name of his wife. He has given out reasons for the sale transactions, but both the authorities have not accepted it to be a bonafide sale. Both the authorities held that it is a sale made to defeat the provisions of the Gujarat Agricultural Lands Ceiling Act. The petitioner has come up with the case that because the lands subject matter of sale transactions were situated at distant places from other lands and to make it a consolidated holding, he sold those lands and purchased nearby lands in the name of his wife. This reason was not accepted by both the authorities and the reason given was that if it would have been an intention, why the petitioner had chosen the date only after 24th January 1971. Another reason has been given that the petitioner had promised to give some land to his wife, but no document has been produced and the Tribunal has rightly held that if it would have been the reason, then why he has waited for all these years to purchase land in the name of his wife. Whether the said transaction has been made to defeat the provisions of Agricultural Lands Ceiling Act or not is a question of fact and on the basis of material produced by the petitioner before the authorities and Tribunal, both have concurrently decided against him. After going through the judgment of the Tribunal, I am satisfied that the reasons given to decide the matter against the petitioner does not suffer from any infirmity which calls for interference of this Court sitting under Article 226 of the Constitution of India. There is no error apparent on the face of the impugned orders. The Tribunal has rightly held that it is a case where the transaction has been entered into with an object to defeat the provisions of Agricultural Lands Ceiling Act. In the result, this Special Civil Application fails and the same is dismissed. Rule is discharged. Interim relief granted by this Court stands vacated.

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(sunil)